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2 **So Ordered.**



3 *Frederick P. Corbit*

4 **Frederick P. Corbit**
Bankruptcy Judge

5 **Dated: May 30th, 2014**

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10 **UNITED STATES BANKRUPTCY COURT**
11 **IN AND FOR THE EASTERN DISTRICT OF WASHINGTON**

12
13 In re:

No.: **13-04935-FPC11**

14 **HARRY BOURKE & DIANA L. OWENS,**
15 Debtors.

Chapter 11

16 **FINDINGS OF FACT**

17 **THIS MATTER** coming before the Court for hearing on May 29, 2014, upon the
18 issues raised by Debtors' request for confirmation of Debtors' Plan of Reorganization, filed
19 herein on January 27, 2014 under docket number 77 and amendment thereto filed under
20 docket number 116 (the "Plan"), and based upon the evidence produced, the Court now
21 makes the following:
22

23 **FINDINGS OF FACT**

- 24 1. Debtors' Plan was submitted to Creditors and other parties in interest;
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Findings of Fact-1

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1 2. The Plan has been accepted in writing by the creditors and equity security
2 holders whose acceptance is required by law;

3 3. The provisions of Chapter 11 of the United States Code have been complied
4 with and the Plan has been proposed in good faith and not by any means forbidden by
5 law;

6 4. (a) Each holder of a claim or interest has accepted the Plan or will receive or
7 retain under the Plan property of a value, as of the effective date of the Plan, that is not
8 less than the amount that such holder would receive or retain if the Debtors were
9 liquidated under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate
10 unfairly, and is fair and equitable with respect to each class of claims or interests that is
11 impaired under, and has not accepted the Plan;

12 5. All payments made or promised by the Debtors or by a person issuing
13 securities or acquiring property under the Plan or by any other person for services or for
14 costs and expenses in, or in connection with, the Plan and incident to the case, have been
15 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed
16 after confirmation of the Plan, will be subject to approval of the Court;

17 6. Confirmation of the Plan is not likely to be followed by the liquidation, or the
18 need for further financial reorganization of the Debtors, or (b) if the Plan is a plan of
19 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
20 provides for the eventuality that the liquidation is not accomplished in that time period;

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Findings of Fact-2

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1 ~~7. Pursuant to the Plan, the following acts or events constitute substantial~~
2 ~~consummation of the Plan: sixty (60) days following Confirmation, provided that Debtors~~
3 ~~have paid all installments provided by this Plan to be paid within that time;~~

4 8. Creditors were given Notice of Confirmation and no objections thereto were
5 made, or if made, have been withdrawn, resolved or overruled;

6 9. It is proper that the Plan be confirmed.

7 10. It is proper that the following provisions become part of the Plan, affecting no
8 creditor other than Classes 5 (Chase) and 6 (Nationstar):

9 Notwithstanding any provisions of the Plan to the contrary:

10 a. No real estate shall be sold without prior notice to creditors with an
11 opportunity to object to the terms and conditions of sale; and

12 b. The liens of Nationstar Mortgage, LLC (Class 6) and JPMorgan
13 Chase Bank, N.A. (Class 5) upon real estate shall not automatically be removed as
14 set forth in Article IX of the Plan but rather only upon the closing of a sale sufficient
15 to pay the debts in full or in such other amounts as they or their successors and
16 assigns agree to accept.
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19
20 ///END OF ORDER///

21 PRESENTED BY:

22 SOUTHWELL & O'ROURKE, P.S.

23 BY: s/ Dan O'Rourke
24 DAN O'ROURKE, WSBA #4911
25

Findings of Fact-3

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